

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JERALD OSCAR WICKS,

Petitioner,

v.

Case No. 2:07-CV-129
HON. ROBERT HOLMES BELL

MICHIGAN PAROLE BOARD,

Respondent.

_____ /

**ORDER APPROVING REPORT AND RECOMMENDATION
AND
ORDER TO FILE ANSWER OR OTHER PLEADING**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law.

THEREFORE, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge (Docket #6) is approved and adopted as the opinion of the Court.
2. Petitioner's due process claim is dismissed.
3. The Clerk of the Court shall serve a copy of the petition and brief in support by first class mail on the respondent and by certified mail on the Attorney General of the State of Michigan.
4. Respondent shall file an answer or other pleading with respect to Petitioner's First Amendment retaliation claim within 180 days of the entry of this order. No extensions of time will be granted. The answer of the respondent shall comply with the requirements of Rule 5 of Rules Governing Section 2254 Cases in the United States District Courts and shall specifically address the

question whether petitioner has exhausted his state remedies. Respondent is further notified that the failure to raise affirmative defenses in the first responsive pleading may constitute a waiver of such defenses. *See* FED. R. CIV. P. 8(c).

Dated: September 12, 2007

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE